

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA
FOURTH DIVISION

STATE OF MINNESOTA, BY ITS
ATTORNEY GENERAL, LORI SWANSON,

Civ. No. 0:06-cv-04656-PAM-JSM

Plaintiff

v.

ORDER APPROVING RESTITUTION PLAN

CROSS COUNTRY BANK, INC., APPLIED
CARD SYSTEMS, INC., AND ROCCO A.
ABESSINIO,

Defendants.

The above-captioned matter came on for hearing before the undersigned Judge of the above-named District Court by the *ex parte* Petition For Order Approving Restitution Plan (“Petition”) submitted on behalf of Attorney General Lori Swanson by Deputy Attorney General Karen Olson.

The Court, having considered the attached Petition, the Stipulation and the Consent Judgment, and being duly advised:

HEREBY ORDERS that the Attorney General execute the following Restitution Plan:

1. Within 90 days of the date of entry of this Order, the Attorney General shall mail to each consumer listed on Exhibit B to the Petition, at the address most recently known to the Office, a Notice that he or she may apply for payment from the Restitution Fund held by the State of Minnesota in this action as it relates to the conduct of the Defendants. The Notice and Claim Form shall be substantially similar to the Notice and Claim Form attached as Exhibit E to

the Petition. No more than one claim shall be paid to a household, regardless of the number of consumers who reside in the household.

2. Each consumer who is listed on Exhibit B to the Petition shall, upon filing of a claim, be paid \$750.

3. Each consumer who is listed on Exhibit C to the Petition shall, upon filing of a claim, be paid \$750 plus the additional sum of \$2,000.

4. Each consumer who is listed on Exhibit D to the Petition shall, upon filing of a claim, be paid \$750 plus the additional sum of \$1,000.

5. Each consumer who is listed on both Exhibits C and D to the Petition shall, upon filing of a claim, be paid \$750 plus the additional sum of \$3,000.

6. The final amounts to be paid to each consumer who files a Claim Form are listed on Exhibit B.

7. The consumers identified on the lists attached as Exhibits B, C and D to the Petition shall, have 90 days to return the Claim Form to the Minnesota Attorney General's Office in order to be eligible to receive payment from the Restitution Fund.

8. Claimants shall receive the above restitution unless the total claims exceed the amount in the Restitution Fund. If the total amount of claims exceed the amount in the Restitution Fund, the Attorney General shall prorate each claimant's share of his or her monetary claim against the amount in the Restitution Fund and distribute the prorated share.

9. The claims shall be paid in the form of either a check or warrant. The check or warrant must be deposited within 90 days of the date that the check or warrant was issued, and shall state "void after 90 days."

10. Any funds deposited in the Restitution Fund that have not been distributed by August 31, 2008 shall be transferred to the State's General Fund as a Civil Penalty pursuant to Minn. Stat. § 8.31 (2006).

Dated November 21, 2007

BY THE COURT

s/Paul A. Magnuson
Judge, United States District Court
District of Minnesota